

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty First Judicial District Court, County of Ravalli

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-245
)	
MERRICK COLBY GEORGE,)	D E C I S I O N
)	
Defendant.)	

On October 25, 2018, Defendant was sentenced to a prison designated by the Department of Corrections for five (5) years, with two (2) years suspended for Charge 1: Partner or Family Member Assault. The sentence was ordered to run consecutively with the sentence imposed in DC-18-153. Defendant was fined \$500 and received credit for time served of 310 days.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented. Defendant's missing Pre-Sentence Investigation report was added to the Division's record at time of hearing. Defense Counsel did not object as it was evident the sentencing judge had it at her disposal when sentencing Defendant for both this cause and DC-18-153.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21st day of February, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25th day
of March, 2019, to:

Clerk of District Court (Original)
Merrick Colby George #3025286, Defendant (2)
Hon. Jennifer Lint
Brent Getty, Defense Counsel
Angela Wetzsteon, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division